

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MARION WILSON, JR.,)	
Petitioner,)	
)	
vs.)	Civil Case No. 5:10-CV-00489-MTT
)	
CARL HUMPHREY, Warden,)	
Georgia Diagnostic Prison,)	
Respondent.)	

PETITIONER'S MOTION FOR LEAVE
TO EXCEED THE PAGE LIMITATION OF LOCAL RULE 7.4

Petitioner Marion Wilson, Jr., by counsel, respectfully moves the Court for leave to file a brief exceeding the Court's 20 page limit by 10 (ten) pages in support of an anticipated Motion to Alter or Amend the Court's Judgment pursuant to Fed. R. Civ. P. 59(e). In support of this motion, Mr. Wilson submits the following:

1. This civil action is a petition for a writ of habeas corpus seeking relief from Mr. Wilson's conviction and death sentence.
2. Mr. Wilson filed his Petition for Writ of Habeas Corpus by a Person in State Custody on December 17, 2010. Dkt. No. 1. Respondent filed an Answer-Response on January 26, 2011 (Dkt. No. 7), after which Mr. Wilson filed his Reply (Dkt. No. 20). On March 1, 2012, Mr. Wilson filed his brief in support of his Petition for Writ of Habeas Corpus (Dkt. No. 43), Respondent filed an opposition

brief on March 30, 2012 (Dkt. No. 44), and Mr. Wilson filed a reply brief on May 21, 2012 (Dkt. No. 47). On December 19, 2013 the Court issued an Order denying Mr. Wilson's Petition. Dkt. No. 51.

3. Mr. Wilson anticipates filing a Motion to Alter or Amend the Judgment pursuant to Fed. R. Civ. P. 59(e) related to the Court's Order of December 19, 2013. Dkt. No. 51. The Local Rules limit briefs in support of a motion to 20 pages, though a party may obtain leave to exceed the page limit "upon good cause shown." M.D. Ga. Local Rule 7.4. Good cause exists to permit Mr. Wilson a modest additional 10 pages to brief his motion.

4. First, leave to exceed the page limit is warranted in light of the deep record and the lengthy filings in this matter. The merits briefs filed in this petition are extensive and multifaceted.¹ And the Court's 109 page Order reflects the complex nature of this case. Accordingly, Mr. Wilson would be hard-pressed to limit his Rule 59 brief to a mere 20 pages. By no means does Mr. Wilson intend to re-litigate the entire petition. However, an additional 10 pages will allow him to articulate his position with clarity.

5. Second, Mr. Wilson's request for an additional 10 pages is modest and will not cause prejudice to the Respondent. As noted earlier, Mr. Wilson is not

¹ Mr. Wilson's opening merits brief totaled 267 pages (not including appendices) (Dkt. No. 43) and his reply brief totaled 92 pages (Dkt. No. 47). The Respondent's opposition brief was 148 pages (Dkt. No. 44).

seeking to re-litigate his entire petition, nor could he in the short space of 30 pages. Rather, Mr. Wilson respectfully seeks leave of the Court file a complete brief in support of his anticipated Motion to Alter or Amend the Court's Judgment pursuant to Fed. R. Civ. P. 59(e).

Dated this 8th day of January, 2014.

Respectfully submitted,

/s/ Lissa R. Koop

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NOTICE OF ELECTRONIC FILING

This is to certify that on January 8, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system which will send notification of such filing to the following:

Beth Burton, Esq.
Senior Assistant Attorney General
bburton@law.ga.gov

/s/ Lissa R. Koop
Lissa R. Koop